

Remarks

This communication is considered fully responsive to the Office Action mailed August 10, 2005. Claims 1-27 were examined. Claims 1-5, 8-14, and 17-27 stand rejected. Claims 6, 7, 15, and 16 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. No claims are amended. No claims are canceled. No new claims have been added. Reexamination and reconsideration of claims 1-27 are respectfully requested.

Allowable Subject Matter

Applicant appreciates that the Examiner has indicated allowable subject matter in claims 6, 7, 15, and 16. However, Applicant believes that the remaining claims are also allowable for the reasons set forth below.

Claim Rejections - 35 U.S.C. 102(b) – Grant

The Office Action rejected claims 1-3, 11, and 25-27 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,891,720 to Grant, et al. (hereinafter referred to as "Grant"). Applicant respectfully traverses this rejection.

Claim 1 positively recites "a carriage having a transfer shaft aligned along a second displacement path in the media storage system, said transfer shaft operatively associated with said at least one guide track of said lift assembly for moving said carriage along said at least one guide track through

BEST AVAILABLE COPY

said first displacement path" (emphasis added). Grant fails to disclose at least these recitations.

The Office Action relies on platform 38 as disclosing the carriage in claim 1, rails 46, 48 as disclosing the at least one guide track in claim 1, and vertical rails 34 as disclosing the transfer shaft in claim 1. However, the vertical rails 34 are not operatively associated with the rails 46, 48 for moving the platform 38 along the rails 46, 48. Instead, the platform 38 is moved by an extensive belt and pulley system.

For at least the foregoing reasons, claim 1 is believed to be allowable over Grant and the Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-3 and 11 depend from claim 1, which is believed to be allowable. Therefore, claims 2-3 and 11 are also believed to be allowable for at least the same reasons as claim 1 and withdrawal of the rejection of claims 2-3 and 11 is respectfully requested.

Claim 25 positively recites "said second guide means rotatably engaging said first guide means for moving said second guide means along said first guide means through the first displacement path" (emphasis added). At least these recitations are not taught or suggested by Grant.

The Office Action simply states that Grant discloses these recitations, but fails to provide any support for the rejection. Such a rejection is improper. In addition, Applicant cannot find any disclosure in Grant which would support this rejection. Therefore, claim 25 is believed to be allowable over the cited

references and Applicant respectfully requests withdrawal of the rejection of claim 25.

Claims 26-27 depend from claim 25, which is believed to be allowable. Therefore, claims 26-27 are also believed to be allowable for at least the same reasons as claim 25 and withdrawal of the rejection of claims 26-27 is respectfully requested.

Claim Rejections - 35 U.S.C. 102(b) – Asakawa

The Office Action rejected claims 1-4, 8, 12-14, and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,064,337 to Asakawa, et al. (hereinafter referred to as "Asakawa"). Applicant respectfully traverses this rejection.

Claim 1 positively recites "said picker moving on said transfer shaft through said second displacement path" (emphasis added). Asakawa fails to disclose at least these recitations.

The Office Action relies on drive shaft 17 as disclosing the transfer shaft in claim 1 and arm member 5 as disclosing the picker in claim 1. However, the arm member 5 moves on screw 6 in Asakawa. The arm member 5 does not move on the drive shaft 17.

For at least the foregoing reasons, claim 1 is believed to be allowable over the Asakawa and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-4 and 8 depend from claim 1, which is believed to be allowable. Therefore, claims 2-4 and 8 are also believed to be allowable for at

BEST AVAILABLE COPY

least the same reasons as claim 1 and withdrawal of the rejection of claims 2-4 and 8 is respectfully requested.

Claim 12 positively recites "a second drive motor mounted to said picker, said second drive motor operatively associated with said carriage for moving said picker along said transfer shaft through said second displacement path" (emphasis added). At least these recitations are not taught or suggested by Grant.

The Office Action relies on motor 7 as disclosing the second drive motor in claim 12, arm member 5 as disclosing the picker in claim 12, and drive shaft 17 as disclosing the transfer shaft in claim 12. However, the motor 7 is mounted to frame 1d, and is not mounted to the arm member 5. Nor does the motor 7 move the arm member 5 along the drive shaft 17. Instead, the motor 7 moves the arm member 5 along screw 6. Therefore, claim 12 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 12.

Claims 13-14, and 19 depend from claim 12, which is believed to be allowable. Therefore, claims 13-14, and 19 are also believed to be allowable for at least the same reasons as claim 12 and withdrawal of the rejection of claims 13-14, and 19 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Asakawa and Allen

The Office Action rejected claims 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Asakawa in view of U.S. Patent No. 5,726,866 to

Allen (hereinafter referred to as "Allen"). Applicant respectfully traverses this rejection.

Claim 21 and 22 depend from claim 12, which is believed to be allowable for the reasons discussed above. Therefore it follows that claims 21 and 22 are also allowable. Withdrawal of the rejection of claims 21 and 22 is respectfully requested.

In addition, there must be some motivation suggestion or teaching of the desirability of making the claimed combination in order to establish a prima facie case of obviousness. MPEP at §2143.01. Asakawa discloses a handling apparatus for carriers of semiconductor wafers. Allen discloses a slide out chassis. Although both references relate generally to the computer arts, this is where the similarity ends. The Office Action fails to explain any such motivation for combining Asakawa and Allen. Nor is it clear to Applicant what that motivation might be.

For at least the foregoing reasons claims 21 and 22 are believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claims 21 and 22.

Claim Rejections - 35 U.S.C. 103(a) – Asakawa and Grant

The Office Action rejected claims 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over Asakawa in view of Grant. Applicant respectfully traverses this rejection.

Claim 9 depends from claim 1 and claim 20 depends from claim 12. Both claims 1 and claim 12 are believed to be allowable for the reasons discussed above. Therefore it follows that claims 9 and 20 are also allowable. Withdrawal of the rejection of claims 9 and 20 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Asakawa and Thatcher

The Office Action rejected claims 5 and 17 under 35 U.S.C. 103(a) as being unpatentable over Asakawa in view of U.S. Patent No. 4,973,819 to Thatcher (hereinafter referred to as "Thatcher"). Applicant respectfully traverses this rejection.

Claim 5 depends from claim 1 and claim 17 depends from claim 12. Both claims 1 and claim 12 are believed to be allowable for the reasons discussed above. Therefore it follows that claims 5 and 17 are also allowable. Withdrawal of the rejection of claims 5 and 17 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) – Asakawa and Shapiro

The Office Action rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Asakawa in view of U.S. Patent No. 6,041,988 to Shapiro (hereinafter referred to as "Shapiro"). Applicant respectfully traverses this rejection.

Claim 10 depends from claim 1, which is believed to be allowable for the reasons discussed above. Therefore it follows that claim 10 is also allowable. Withdrawal of the rejection of claim 10 is respectfully requested.

In addition, there must be some motivation suggestion or teaching of the desirability of making the claimed combination in order to establish a prima facie case of obviousness. MPEP at §2143.01. The Office Action fails to explain any such motivation to combine Asakawa and Shapiro. Nor is it clear to Applicant what that motivation might be.

Asakawa discloses a handling apparatus for carriers of semiconductor wafers. Shapiro on the other hand discloses a method for cutting fabric. Allen is not directed to any sort of handling apparatus, not even the semiconductor wafer handling apparatus of Asakawa, much less Applicant's data cartridge-handling apparatus.

For at least the foregoing reasons claim 10 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 10.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

Dated: Nov. 10, 2005

By:



Mark D. Trenner
Reg. No. 43,961
(720) 221-3708